

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 743

By: Snyder and Long (Lewis)
of the Senate

and

Paulk of the House

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 1003, 1682 and 1850.2, as amended by Section 1, Chapter 137, O.S.L. 1992 (59 O.S. Supp. 1993, Section 1850.2), which relate to regulation of plumbing, electrical and mechanical contracting trades; clarifying language; adding definitions; creating Variance and Appeals Boards for certain purposes including reviewing and approving certain requests for using certain alternative materials or systems and for hearing appeals contesting interpretation of the state's plumbing installation code, electrical installation code and mechanical installation code; providing for approval of alternative material or system under certain conditions; requiring written application be submitted to State Commissioner of Health and be approved prior to use of alternative material or system; providing for certain fees; providing procedures for appeals; providing for membership, appointments, terms, qualifications, reimbursement, meetings and quorum of the Variance and Appeals Boards; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1003, is amended to read as follows:

Section 1003. ~~When~~ As used in this act:

1. "Board" means the State Board of Health~~;~~;
2. "Commissioner" means the State Commissioner of Health~~;~~;
3. "Committee" means the State Committee of Plumbing

Examiners appointed by the State ~~Commissioner~~ Board of Health~~;~~;

4. "Plumbing Hearing Board" means the State Plumbing Hearing Board ~~herein created. It consists~~ which shall consist of the State Commissioner of Health as chairman, and the members of the State Committee of Plumbing Examiners. ~~;~~ i

5. "Apprentice" or "plumber's apprentice" means, ~~and is hereby defined to be,~~ any person sixteen (16) years of age or over who, as his principal occupation, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a licensed journeyman plumber or plumbing contractor. ~~;~~ i

6. "Journeyman plumber" means, ~~and is hereby defined to be,~~ any person other than a master plumber or plumbing contractor who engages in or works at the actual installation, alteration, repair and/or renovation of plumbing. ~~;~~ i

7. "Master plumber" is a term used and defined under laws which ~~are herein~~ have been repealed. A person formerly known as a master plumber is henceforth to be known as a "plumbing contractor" herein defined. ~~;~~ i

8. "Plumbing contractor" means, and is hereby defined to be, any person skilled in the planning, superintending and practical installation of plumbing and is familiar with the laws, rules and regulations governing the same. This definition may be construed to mean any person who has qualified and is licensed under this act as a plumbing contractor, who may operate as an individual, a firm, partnership or corporation to engage in the business of plumbing, or the business of contracting to do, or furnish labor and/or labor and materials for, the installation, repair, maintenance or renovation of plumbing, according to the requirements of this act. ~~;~~ i

9. "Plumbing" means, and includes ~~;~~ i

~~(a)~~ a. ~~All~~ all piping, fixtures, appurtenances and appliances for, and in connection with, a supply of water within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a water main or other source of supply. ~~;~~ i

~~(b)~~ b. All all piping, fixtures, appurtenances and appliances for sanitary drainage or storm drainage facilities, including venting systems for such facilities, within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a public disposal system or other acceptable terminal~~;~~, and

~~(c)~~ c. ~~The~~ the installation, repair, maintenance and renovation of all piping, fixtures, appurtenances and appliances for a supply of water, or for the disposal of waste water, liquid waste, or sewage within or adjacent to any building, structure, or conveyance, on the premises and to the source of supply of water or point of disposal of wastes; and

10. "Variance and Appeals Board" means the Oklahoma State Plumbing Installation Code Variance and Appeals Board.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1021.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the Oklahoma State Plumbing Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the State Commissioner of Health for approval prior to use. Applications

shall be accompanied by a filing fee, not to exceed Fifty Dollars (\$50.00), as set by rule of the State Board of Health.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Occupational Licensing Service of the State Department of Health, who contest the Department's interpretation of the state's model plumbing installation code as applied to a particular installation. Such appeals shall be based on a claim that:

- a. the true intent of the installation code has been incorrectly interpreted,
- b. the provisions of the code do not fully apply, or
- c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the State Commissioner of Health within fourteen (14) days after receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the State Commissioner of Health or his or her designated representative and the following members who shall be appointed by the Commissioner from a list of names submitted by the professional organizations of the professions represented on the Board and who shall serve at the pleasure of the Commissioner:

1. One member shall be appointed from the State Committee of Plumbing Examiners and shall be a contractor;

2. One member shall be a registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with structural engineering or architectural experience;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; or an electrical contractor

with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be a registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.

C. Members, except the Commissioner, the Commissioner's designated representative and employees of the Department, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, from the revolving fund created pursuant to Section 1018 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Commissioner receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The State Commissioner of Health, or the Commissioner's designated representative, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the board.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1682, is amended to read as follows:

Section 1682. As used in the Electrical License Act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Committee" means the Committee of Electrical Examiners appointed by the State Board of Health;
4. "Electrical apprentice" means any person sixteen (16) years of age or older whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or electrical contractor;

5. "Journeyman electrician" means any person other than an electrical contractor who engages in the actual installation, alteration, repair or renovation of electrical facilities unless

specifically exempted by the provisions of the Electrical License Act;

6. "Electrical contractor" means any person skilled in the planning, superintending and practical installation of electrical facilities who is familiar with the laws, rules and regulations governing such work. Electrical contractor also means any individual, firm, partnership, corporation or business performing skills of an electrical contractor or of an electrician, or the business of contracting, or furnishing labor or labor and materials for the installation, repair, maintenance or renovation of electrical facilities according to the provisions of the Electrical License Act;

7. "Electrical facilities" means all wiring, fixtures, appurtenances, and appliances for, and in connection with, a supply of electricity within or adjacent to any building, structure or conveyance on the premises but not including the connection with a power supply meter or other power supply source; ~~and~~

8. "Category" means the classification by which licenses and electrical work may be limited. Such categories shall include but shall not be limited to installation, maintenance, repair, alteration, residential, oilfield, and commercial; and

9. "Variance and Appeals Board" means the Oklahoma State Electrical Installation Code Variance and Appeals Board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1697 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the Oklahoma State Electrical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices

where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the State Commissioner of Health for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars (\$50.00), as set by rule of the State Board of Health.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Occupational Licensing Service of the State Department of Health, who contest the Department's interpretation of the state's model electrical installation code as applied to a particular installation. Such appeals shall be based on a claim that:

- a. the true intent of the installation code has been incorrectly interpreted,
- b. the provisions of the code do not fully apply, or
- c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the State Commissioner of Health within fourteen (14) days after receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the State Commissioner of Health or his or her designated representative and the following members who shall be appointed by the Commissioner from a list of names submitted by the professional organizations of the professions represented on the Board and who shall serve at the pleasure of the Commissioner:

1. One member shall be appointed from the Committee of Electrical Examiners and shall be a contractor;

2. One member shall be a registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with structural engineering or architectural experience;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; or an electrical contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be a registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.

C. Members, except the Commissioner, the Commissioner's designated representative and employees of the Department, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, from the revolving fund created pursuant to Section 1694 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Commissioner receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The State Commissioner of Health, or the Commissioner's designated representative, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the board.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1850.2, as amended by Section 1, Chapter 137, O.S.L. 1992 (59 O.S. Supp. 1993, Section 1850.2), is amended to read as follows:

Section 1850.2 As used in the Mechanical Licensing Act:

1. "Air conditioning system" means the process of treating air by controlling its temperature, humidity, and cleanliness, to meet the requirements of a designated area;

2. "Board" means the State Board of Health;
3. "Committee" means the Committee of Mechanical Examiners;
4. "Department" means the Oklahoma State Department of Health;
5. "Gas piping" means and includes all natural gas piping within or adjacent to any building, structure, or conveyance, on the premises and to the connection with a natural gas meter, regulator, or other source of supply;
6. "Heating systems" means and includes systems consisting of air heating appliances from which the heated air is distributed and shall include any accessory apparatus and equipment installed in connection therewith;
7. "Mechanical contractor" or "contractor" means any person engaged in the business of planning, contracting, supervising or furnishing labor or labor and materials for mechanical work;
8. "Mechanical journeyman" or "journeyman" means any person other than a contractor or apprentice who engages in mechanical work;
9. "Mechanical apprentice" or "apprentice" means any person sixteen (16) years of age or older whose principal occupation is learning mechanical work on the job under the direct supervision of a journeyman or contractor;
10. "Mechanical firm" means any corporation, partnership, association, proprietorship or other business entity which plans or engages, or offers to engage, in mechanical work for another within this state;
11. "Mechanical work" means the installation, maintenance, repair, or renovation, in whole or in part, of any heating system, cooling system, mechanical refrigeration system or ventilation system or any equipment or piping carrying chilled water, air for ventilation purposes, or natural gas, or the installation, maintenance, repair, or renovation of process piping used to carry any liquid, substance, or material, including steam and hot water used for space heating purposes not under the jurisdiction of the Department of Labor, provided that minor repairs to such systems are excluded;

12. "Refrigeration system" means the erection, installation, repairing and servicing of a system employing a fluid which normally is vaporized and liquefied in an air conditioning system, food preservation measure or manufacturing process; ~~and~~

13. "Sheet metal" means the erection, installation and repairing of all ferrous or nonferrous duct work and all other materials used in all air conditioning; and

14. "Variance and Appeals Board" means the Oklahoma State Mechanical Installation Code Variance and Appeals Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1850.16 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby created the Oklahoma State Mechanical Installation Code Variance and Appeals Board. The Variance and Appeals Board shall hear testimony and shall review sufficient technical data submitted by an applicant to substantiate the proposed installation of any material, assembly or manufacturer-engineered components, equipment or system that is not specifically prescribed by an appropriate installation code, an industry consensus standard or fabricated or installed according to recognized and generally accepted good engineering practices where no ordinance or regulation of a governmental subdivision applies. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the Variance and Appeals Board shall approve such alternative, subject to the requirements of the appropriate installation code. Applications for the use of an alternative material or method of construction shall be submitted in writing to the State Commissioner of Health for approval prior to use. Applications shall be accompanied by a filing fee, not to exceed Fifty Dollars (\$50.00), as set by rule of the State Board of Health.

2. The Variance and Appeals Board shall also hear appeals from contractors, licensed by the Occupational Licensing Service of the State Department of Health, who contest the Department's interpretation of the state's model mechanical installation code

as applied to a particular installation. Such appeals shall be based on a claim that:

- a. the true intent of the installation code has been incorrectly interpreted,
- b. the provisions of the code do not fully apply, or
- c. an equal or better form of installation is proposed.

Such appeals to the Variance and Appeals Board shall be made in writing to the State Commissioner of Health within fourteen (14) days after receipt of written notice of the alleged code violation by the licensed contractor.

B. The Variance and Appeals Board shall consist of the State Commissioner of Health or his or her designated representative and the following members who shall be appointed by the Commissioner from a list of names submitted by the professional organizations of the professions represented on the Board and who shall serve at the pleasure of the Commissioner:

1. One member shall be appointed from the Committee of Mechanical Examiners and shall be a contractor;

2. One member shall be a registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

3. One member shall be a registered design professional with structural engineering or architectural experience;

4. One member shall be a registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work;

5. One member shall be a registered design professional with electrical engineering experience; or an electrical contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work; and

6. One member shall be a registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten (10) years of experience, five (5) of which shall have been in responsible charge of work.

C. Members, except the Commissioner, the Commissioner's designated representative and employees of the Department, shall be reimbursed for travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, from the revolving fund created pursuant to Section 1850.13 of Title 59 of the Oklahoma Statutes.

D. The Variance and Appeals Board shall meet after the Commissioner receives proper application for a variance, accompanied by the filing fee, or proper notice of an appeal, as provided in subsection A of this section.

E. The State Commissioner of Health, or the Commissioner's designated representative, shall serve as chair of the Variance and Appeals Board. A majority of the members of the Variance and Appeals Board shall constitute a quorum for the transaction of the business of the board.

SECTION 7. This act shall become effective September 1, 1994.

44-2-9412

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